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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/876,359 | 06/07/2001 | Luigi Pace | CM2381 | 9161 |

27752 7590 09/16/2004

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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CINCINNATI, OH 45224

EXAMINER

EINSMANN, MARGARET V

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1751

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/876,359 | | PACE ET AL. | |
| | Examiner | | Art Unit | |
| | Margaret Einsmann | | 1751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The rejections of the previous action under the first and second paragraphs of 35 USC 112 have been mooted by applicant's claim amendments.

In the amendment of 7/2/2004 applicant amended claims 1 and 13 and added new claims 14-19. No claims have been canceled.

The rejection of claims 1-4, 7, 9-13 under 35 USC 103(a) as being unpatentable over Calton, Billman and Menkart et al. has been mooted by applicant's amendments and remarks.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant states in the independent claims, claims 1 and 13, that a first and a second composition is applied and that a surfactant is applied. The way it is written it the surfactant is the third

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composition. Applicant has no basis in the specification for applying a surfactant separately from applying said first and said second compositions.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 13 the term "composition" is indefinite because its metes and bounds cannot be defined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al., US 6,245,729 in view of Tyerech, US 5,728,669

A composition for forming and releasing an aqueous peracid solution is disclosed. A chemical heater provides for the generation of heat. See abstract. Said chemical heater, when contacted with water, hydrates and generates heat in an amount

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sufficient to raise the temperature of at least about 5 degrees centigrade. See col 9 lines 29-51. Preferred chemical heaters are listed in the paragraph bridging columns 9 and 10 and include the claimed inorganic salts and pyrophosphoric acid. Patentee also states that the chemical heater can also generate heat by the claimed acid-base neutralization. See col 10 lines 3-11. Regarding the limitations of claim 6, acid-base reactions as well as the reactions of said metal salts with water all result in the transfer of electrons, and thus involve oxidizing agents and reducing agents. Regarding the limitations of claim 7, zeolites are included in the list of preferred heat generating dessicants in column 9 lines 60-67. The composite structure can be a carpet sanitizer powder, and the sanitizer may be generated on the surface. Col 14 lines 1-7. There is no working example of a process of generating heat on the surface of a carpet or other textile. There is no surfactant added to the compositions of Wei.

Tyerech discloses compositions comprising hydrogen peroxide, which is a known sanitizer, and surfactants for applying to carpets. The compositions in columns 11 and 12 contain acid/base reactants (citric acid and sodium hydroxide) which react to generate heat, as well as the anionic surfactants sodium lauryl sulfate and sodium alkane sulfonate.

It would have been obvious to the skilled artisan to combine at least one anionic surfactant with the carpet sanitizer composition of Wei et al. because Tyerech teaches that surfactants can be used along with sanitizer components as a treatment for cleaning and sanitizing carpets.

Claims 1-5,7,9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soldanski et al., US 4,834,900.

Soldanski et al. discloses a process for the removal of stains from fabrics, such as carpets, comprising treating the stained areas of the fabrics with an aqueous liquid, paste-form or foaming stain remover and subjecting the entire product to cleaning with a powder-form cleaning composition before the treated areas have dried. See abstract. Aqueous formulations suitable for the first cleaning composition according to the invention comprise as especially preferred surfactants, anionic surfactants including alkyl sulfates and sulfosuccinates as claimed in claims 14-19. See col 4 lines 4-45. Note that in the example in column 8, mixtures of anionic surfactants are used, including the mixture of sulfosuccinate and another anionic surfactant as claimed in claim 19. The powder form compositions useable as the second composition contain zeolite in the quantity of 15-90% by weight. See col 6 lines 6-12. Soldanski et al. do not provide working examples of the process using the powder composition comprising the zeolite as claimed which is applied along with the aqueous carpet cleaning composition. In his examples, cellulose powder is used in the second powder form composition. However, in columns 5 and 6, zeolite is taught as being equivalent to cellulose powder for use in the powder form composition.

It would have been obvious to the skilled artisan to substitute zeolite for cellulose in the exemplified process, or to add zeolite to the cellulose containing powder

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composition, since Soldanski et al. teaches zeolite compositions as equivalent to the exemplified compositions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5,7,9-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Paszek, US 5,286,400. The composition in example 1 anticipates these claims. See column 4 lines 9-33. Cycloryl is an aqueous rug shampoo comprising sodium lauryl sulfate and sodium sulfosuccinate (two anionic surfactants) which is combined with the solid zeolite and applied to carpets. The combination of the carpet shampoo with the zeolite is heat generating process as claimed. Accordingly the already formed aqueous rug shampoo (carpet cleaning composition) is combined with the solid zeolite to clean the carpets.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

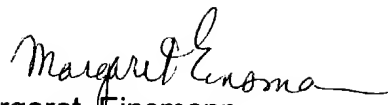
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Margaret Einsmann
Primary Examiner
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September 13, 2004